

Remarks:

These remarks are responsive to the Office action dated July 19, 2001. Prior to entry of this response, claims 21-33, 39-42, 44-52, and 54-100 were pending in the application. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

Allowable Subject Matter

Claims 21-33, 39-42, 44-52, and 54-100 are allowed.

Applicant thanks the Examiner for the indication of allowable subject matter.

Formal Matters

The reissue declaration is rejected for failing to properly identify at least one 35 U.S.C.251 error. Applicant submits herewith a new declaration. The declaration specifically identifies one error. In particular, MPEP 1414 II.B states in part that "it is sufficient that the reissue oath/declaration identify a single word, phrase, or expression in the specification or in an original claim, and how it renders the original patent wholly or partly inoperative or invalid." The new declaration identifies the phrase "EGR assembly mounted to the EGR inlet", and explains how it renders the patent inoperative or invalid by resulting in the inventor claiming less than he had a right to claim.

Further, Applicant has pointed out what the newly added claims lack that the original claims included. Specifically, the new declaration identifies that the same phrase, "EGR assembly mounted to the EGR inlet", is not included in the newly added independent claims, thus broadening the scope of coverage of the application. Applicant respectfully submits that such a statement is consistent with MPEP II.C which appears to state, by implication, that a sufficient error statement would be one that points out "what the other claims lacked that the newly added claim has, or vice versa."


Conclusion

Applicant believes that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, Applicant respectfully requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Please charge any cost incurred in the filing of this Response, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP



John D. Russell
Registration No. 47,048
Customer No. 36865
Attorney/Agent for Applicant/Assignee
806 S.W. Broadway, Suite 600
Portland, Oregon 97205
Telephone: (503) 459-4141
Facsimile: (503) 459-4142